

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

QUEEN JANATA MONTGOMERY-BEY,	§	
	§	
Plaintiff,	§	
	§	
v.	§	NO. 3:20-cv-3521-E-BN
	§	
SOUTHERN METHODIST	§	
UNIVERSITY,	§	
	§	
Defendant.	§	

AFFIDAVIT OF KIMBERLY F. WILLIAMS

STATE OF TEXAS §
 §
DALLAS COUNTY §

Before me, the undersigned notary, on this day personally appeared Kimberly F. Williams, the affiant, a person whose identity is known to me. After I administered an oath, affiant testified as follows:

1. “My name is Kimberly F. Williams. I am competent to make this Affidavit. The facts stated in this Affidavit are within my personal knowledge and are true and correct.

2. I am an attorney licensed to practice in the State of Texas and the Northern District of Texas, Dallas Division. I graduated from Baylor University School of Law in Waco, TX with a Juris Doctor degree. I am a partner at Locke Lord LLP, practicing labor and employment law. As part of this practice, I regularly represent clients in Texas in civil litigation matters in both state and federal court.

3. Defendant Southern Methodist University (“SMU”) retained my firm, Locke Lord LLP, to represent it in this lawsuit. I have personal knowledge of this case and the work performed on behalf of SMU.

4. I worked on this case with two associates, Jennifer McCoy and Taylor Levesque. For this case, my average billing rate was \$459.17 per hour, Jennifer McCoy’s average billing rate was \$296.14 per hour, and Taylor Levesque’s average billing rate was \$290.67 per hour.

5. It is my practice, as well as associates’ practice, to record and track attorney time, costs, and expenses incurred by SMU with respect to this matter. I have reviewed those time records, which are attached to this Affidavit as **Exhibit A-1**. The time records attached to my Affidavit were prepared from information transmitted by me and Locke Lord LLP associates at or near the time that such services were performed. It is our regular practice to prepare and keep time records like those attached to this Affidavit.

6. As explained in more detail in the time records attached to this Affidavit, Plaintiff’s attempted removal of this lawsuit to federal court and the parties’ multiple filings related to same required Locke Lord LLP to spend 27.6 hours (1) investigating Plaintiff’s claims; (2) reviewing and analyzing Plaintiff’s multiple filings in support of removal, including an amended notice of removal, motion for default judgment, a reply in support of default judgment, and standalone exhibits in support of removal; (3) drafting SMU’s Motion to Dismiss or, in the Alternative, Remand; (4) drafting a reply in support of SMU’s Motion to Dismiss or, in the Alternative, Remand, and addressing the numerous issues identified in Plaintiff’s filings in support of removal; (5) analyzing the magistrate judge’s findings, conclusions, and recommendations; and (6) taking other necessary actions to properly perform legal services.

7. In preparing SMU's Motion to Dismiss or, in the Alternative, Remand, Locke Lord LLP was required to conduct a necessary amount of research due to the unusual circumstances surrounding the multiple Notices of Removal filed by Plaintiff (e.g., Plaintiff filed them after the state court dismissed and closed the case).

8. Following this Court's Judgment, Plaintiff filed a third Notice of Removal in state court on April 2, 2021. Despite this Court having held and explained that removal of this case is improper and, indeed, baseless, Plaintiff is again attempting to remove the case to federal court.

9. The time records attached to my Affidavit show that, through the date of this Affidavit, SMU has incurred costs and expenses of \$133.18 and attorneys' fees of \$9,823.10, totaling \$9,956.28 of costs, expenses, and attorneys' fees associated with Plaintiff's attempted removal of this case. SMU seeks reimbursement of this total amount from Plaintiff.

10. I am familiar with fees charged by attorneys in the Dallas-Fort Worth area for their services on matters of this nature, as well as the type of services performed by attorneys in Texas for matters of this nature. I am also familiar with the reasonableness factors established by the Texas Supreme Court in *Arthur Anderson & Co. v. Perry Equipment Corp.*, including more recent cases interpreting the Court's opinion in that case, and Rule 1.04 of the Texas Disciplinary Rules of Professional Conduct. *See Arthur Anderson & Co. v. Perry Equipment Corp.*, 945 S.W.2d 812 (Tex. 1997) (citing Rule 1.04); *Land Rover U.K., Ltd. v. Hinojosa*, 210 S.W.3d 604, 607 (Tex. 2006); *Barket v. Eckman*, 213 S.W.3d 306, 312 (Tex. 2005).

11. The fees charged by Locke Lord LLP associates and myself are reasonable for the services performed, and are consistent with what other attorneys charge in this area for the same or similar services by attorneys with the same experience, reputation, and ability, considering the nature of the issues and Plaintiff's multiple filings.

12. The attorneys who represent SMU in this matter possess the requisite skill and experience to properly perform the legal services rendered in this matter.

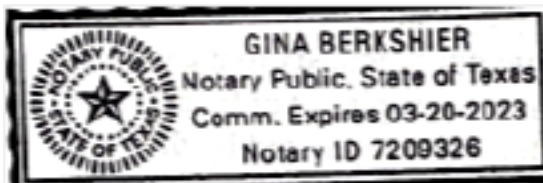
13. Upon review of the time records, in my professional opinion, all of the actions that Locke Lord LLP has taken on behalf of SMU were reasonable and necessary to analyze and respond to Plaintiff's multiple filings related to her attempted removal of this case to federal court; and the number of hours spent performing that work are reasonable in light of the time and labor required to perform the work, the nature and length of my professional relationship with SMU, and the attorneys' experience, reputation, and ability."

FURTHER, AFFIANT SAYETH NOT.



Kimberly F. Williams

SWORN TO and SUBSCRIBED before me by Kimberly F. Williams on April 5, 2021.



Gina Berkshier

Notary Public in and for the State of Texas

EXHIBIT

A-1

Southern Methodist University
Attn: Mr. Paul Ward
Perkins Administration Bldg.
6425 Boaz, Room 130
Dallas, TX 75275

January 28, 2021
Invoice No.: 1630213

Total amount due for the legal services rendered and expenses
incurred in connection with the referenced matter through December
31, 2020.

\$6,390.96

File Number: 0584623.00113
RE: Janata Montgomery Lawsuit

Your File Number: 166112

DATE	ATTY	DESCRIPTION	HOURS	VALUE
12/01/20	KFW	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] review notice of removal filed in federal court (.5).	2.20	983.40
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
12/01/20	JM	Review and analyze Notice of Removal.	0.40	111.60
12/02/20	KFW	Attention to removal and related documents (.5), strategy related to same (.7), conference with Ms. Kelly Thurman regarding same (.3).	1.50	670.50
[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]	[REDACTED]
12/04/20	JM	Attention to case status.	0.40	111.60

DATE	ATTY	DESCRIPTION	HOURS	VALUE
12/07/20	KFW	Review order from magistrate regarding removal to federal court.	0.50	223.50
12/07/20	JM	Prepare strategy in connection with Court's Order Regarding Pro Se Filing of Notice of Removal.	0.60	167.40
12/09/20	KFW	Communicate with Ms. Kelly Thurman regarding motion to remand.	0.50	223.50
12/09/20	JM	Prepare strategy in connection with Plaintiff's Notice of Removal.	0.40	111.60
12/16/20	JM	Prepare motion to remand.	3.50	976.50
12/17/20	KFW	Review and revise Motion to Remand.	2.00	894.00
12/17/20	JM	Continue to prepare motion to remand.	0.40	111.60
12/18/20	KFW	Communicate with Ms. Kelly Thurman regarding Motion to Remand (.3), review and revise proposed Order granting Motion to Remand (.2).	0.50	223.50
12/18/20	TL	Review and revise SMU's Motion to Remand and draft Order Granting SMU's Motion to Remand.	0.50	129.00
12/18/20	JM	Attention to motion for remand.	0.40	111.60
12/21/20	KFW	Attention to filing of Motion to Remand.	0.20	89.40
12/22/20	KFW	Communicate with Ms. Kelly Thurman regarding filing of Motion to Remand and court's scheduling order.	0.30	134.10
12/22/20	JM	Review and analyze order setting briefing schedule in connection with motion to remand.	0.40	111.60
12/23/20	KFW	Review newly filed Notice of Removal to Federal Court.	0.30	134.10
12/23/20	JM	Review and analyze amended Notice of Removal.	0.60	167.40
TOTAL FEES				\$6,299.70

----- BILLING PROFESSIONALS -----

TIMEKEEPER	CLASS	RATE	HOURS	VALUE
K. F. Williams	Partner	447.00	8.00	3,576.00
J. McCoy	Associate	279.00	9.30	2,594.70
T. Levesque	Associate	258.00	0.50	129.00
TIMEKEEPER TOTALS			17.80	\$6,299.70

EXPENSES	VALUE
Courtlink Online Research	91.26
TOTAL EXPENSES	\$91.26

TOTAL FEES	\$6,299.70
TOTAL EXPENSES	\$91.26
TOTAL FEES AND EXPENSES	\$6,390.96
TOTAL BALANCE DUE	<u>\$6,390.96</u>

Inception-to-Date Billing:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Year-to-Date Billing:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

PLEASE REMIT PAYMENT:

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Locke Lord LLP
P.O. Box 911541
Dallas, Texas 75391-1541

Via Courier:
JP Morgan Chase (TX1-0029)
Locke Lord LLP / 301170
14800 Frye Rd.
Fort Worth, Texas 76155

Via Wire:
ABA Routing: 021000021
Swift Code (International): CHASUS33
Account: 00101203546
Bank: JPMorgan Chase Bank, N.A.
712 Main Street, Houston, TX 77002
Reference: LL Invoice Number / Matter

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This statement is due upon receipt. Please call K. F. Williams of this firm if you have questions concerning legal services covered by this statement, or if you dispute the amount of the statement. Shaun Viau @ (401)276-6481, can answer questions concerning

payments on your account. (Please note that this statement covers only those services and expenses described above. It does not include the unpaid balance of any prior statement.)

Southern Methodist University
Attn: Mr. Paul Ward
Perkins Administration Bldg.
6425 Boaz, Room 130
Dallas, TX 75275

February 26, 2021
Invoice No.: 1635409

Total amount due for the legal services rendered and expenses
incurred in connection with the referenced matter through January 31,
2021. \$1,716.48

File Number: 0584623.00113
RE: Janata Montgomery Lawsuit

Your File Number: 166112

DATE	ATTY	DESCRIPTION	HOURS	VALUE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
01/06/21	TL	Review and analyze Plaintiff's response to SMU's motion to dismiss, or, in the alternative, remand to evaluate the need for a responsive filing from SMU.	0.20	58.80
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
01/11/21	KFW	Attention to Montgomery's deadline to respond to motion to dismiss/remand.	0.20	96.60
01/11/21	TL	Review Plaintiff's filings and begin to draft Notice of Non-Filing based on Plaintiff's failure to respond by Court-ordered deadline.	0.20	58.80
01/11/21	JM	Attention to case status and strategy.	0.40	132.00
01/25/21	KFW	Strategy related to reply in support of	1.00	483.00

DATE	ATTY	DESCRIPTION	HOURS	VALUE
		motion to remand/dismiss.		
01/25/21	JM	Prepare strategy in connection with reply in support of motion to dismiss.	0.30	99.00
01/28/21	KFW	Review additional filings by Ms. Montgomery.	0.40	193.20
01/28/21	JM	Review and analyze recent filings by Plaintiff.	0.50	165.00
TOTAL FEES				\$1,692.90

----- **BILLING PROFESSIONALS** -----

TIMEKEEPER	CLASS	RATE	HOURS	VALUE
K. F. Williams	Partner	483.00	2.10	1,014.30
J. McCoy	Associate	330.00	1.70	561.00
T. Levesque	Associate	294.00	0.40	117.60
TIMEKEEPER TOTALS			4.20	\$1,692.90

EXPENSES	VALUE
Courtlink Online Research	23.58
TOTAL EXPENSES	\$23.58

TOTAL FEES	\$1,692.90
TOTAL EXPENSES	\$23.58
TOTAL FEES AND EXPENSES	\$1,716.48
TOTAL BALANCE DUE	<u>\$1,716.48</u>

Inception-to-Date Billing:

████	████████████████
██████████	██████████
████	████████████████

Year-to-Date Billing:

Southern Methodist University
File No.: 0584623.00113

Invoice Date: February 26, 2021
Invoice No.: 1635409
Page: 3

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

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Fort Worth, Texas 76155

Via Wire:

ABA Routing: 021000021
Swift Code (International): CHASUS33
Account: 00101203546
Bank: JPMorgan Chase Bank, N.A.
712 Main Street, Houston, TX 77002
Reference: LL Invoice Number / Matter

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Southern Methodist University
Attn: Mr. Paul Ward
Perkins Administration Bldg.
6425 Boaz, Room 130
Dallas, TX 75275

March 23, 2021
Invoice No.: 1640650

Total amount due for the legal services rendered and expenses
incurred in connection with the referenced matter through February 28,
2021.

\$3,183.04

File Number: 0584623.00113
RE: Janata Montgomery Lawsuit

Your File Number: 166112

DATE	ATTY	DESCRIPTION	HOURS	VALUE
02/01/21	TL	Outline and draft SMU's Reply Brief in support of its Motion to Dismiss highlighting Plaintiff's late-filed responses and failure to engage with SMU's jurisdictional arguments.	4.20	1,234.80
02/02/21	TL	Revise and supplement SMU's Reply Brief in Support of its Motion to Dismiss.	0.30	88.20
02/02/21	JM	Continue to prepare SMU's Reply in Support of its Motion to Dismiss or, in the Alternative, Remand.	2.00	660.00
02/03/21	KFW	Review and revise Reply in Support of Motion to Dismiss or, in the Alternative, Remand.	1.00	483.00
02/04/21	KFW	Review magistrate recommendation granting motion to remand.	0.40	193.20
02/05/21	KFW	Prepare email to Ms. Kelly Thurman and United Educators regarding	0.30	144.90

DATE	ATTY	DESCRIPTION	HOURS	VALUE
		[REDACTED]		
02/05/21	JM	Review and analyze Magistrate's Findings and Recommendations.	0.80	264.00
02/22/21	KFW	Communicate with Ms. Kelly Thurman regarding [REDACTED]	0.20	96.60
		[REDACTED]		
TOTAL FEES				\$3,164.70

----- **BILLING PROFESSIONALS** -----

TIMEKEEPER	CLASS	RATE	HOURS	VALUE
K. F. Williams	Partner	483.00	1.90	917.70
J. McCoy	Associate	330.00	2.80	924.00
T. Levesque	Associate	294.00	4.50	1,323.00
TIMEKEEPER TOTALS			9.20	\$3,164.70

EXPENSES	VALUE
Courtlink Online Research	18.34
TOTAL EXPENSES	\$18.34

TOTAL FEES	\$3,164.70
TOTAL EXPENSES	\$18.34
TOTAL FEES AND EXPENSES	\$3,183.04
TOTAL BALANCE DUE	<u>\$3,183.04</u>

Inception-to-Date Billing:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Year-to-Date Billing:

[REDACTED]	[REDACTED]
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Southern Methodist University
File No.: 0584623.00113

Invoice Date: March 23, 2021
Invoice No.: 1640650
Page: 3



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Via Wire:

ABA Routing: 021000021
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712 Main Street, Houston, TX 77002
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